

## EXHIBIT A

IN THE COURT OF COMMON PLEAS  
OF ALLEGHENY COUNTY, PENNSYLVANIA

PATRICK McGONIGLE,

Plaintiff,

v.

HOME DEPOT USA, INC. t/d/b/a  
HOME DEPOT,

Defendant.

) CIVIL DIVISION

) No. GD \_\_\_\_\_

) **COMPLAINT IN CIVIL ACTION**

) Code

) Filed on behalf of Plaintiff,  
) PATRICK MCGONIGLE

) Counsel of Record for this Party:

) John E. Quinn, Esquire  
) Pa. ID No. 23268  
) jquinn@quinnlogue.com

) QUINN LOGUE LLC  
) 200 First Avenue, Third Floor  
) Pittsburgh, PA 15222  
) (412) 765-3800

**NOTICE**

To the within-named Defendant: you are hereby notified to file a written response to the enclosed Complaint in Civil Action within twenty (20) days from service hereof or a default judgment may be entered against you.

QUINN LOGUE LLC

By:

  
\_\_\_\_\_  
John E. Quinn, Esquire  
*Counsel for Plaintiff*

) **JURY TRIAL DEMANDED**

IN THE COURT OF COMMON PLEAS  
OF ALLEGHENY COUNTY, PENNSYLVANIA

PATRICK McGONIGLE,	)	CIVIL DIVISION
	)	
Plaintiff,	)	No. GD _____
	)	
v.	)	
	)	
HOME DEPOT USA, INC. t/d/b/a	)	
HOME DEPOT,	)	
	)	
Defendant.	)	

**NOTICE**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

· Lawyer Referral & Information Service  
Allegheny County Bar Association  
400 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
412-261-5555  
· <https://www.getapittsburghlawyer.com/>

IN THE COURT OF COMMON PLEAS  
OF ALLEGHENY COUNTY, PENNSYLVANIA

PATRICK McGONIGLE,	)	CIVIL DIVISION
	)	
Plaintiff,	)	No. GD _____
	)	
v.	)	
	)	
HOME DEPOT USA, INC. t/d/b/a	)	
HOME DEPOT,	)	
	)	
Defendant.	)	
	)	

**COMPLAINT IN CIVIL ACTION**

AND NOW, comes Plaintiff, by and through his undersigned counsel, and files this Complaint in Civil Action against the Defendant, wherefore the following is a true statement:

**PARTIES:**

1. Plaintiff is an individual resident of the Township of Upper St. Clair, Allegheny County, Pennsylvania, residing at 1801 Tyris Drive, Pittsburgh, PA 15241.

2. Defendant is a corporation organized and existing under the laws of the State of Delaware, maintaining its principal place of business in Atlanta, Georgia, and operates under a fictitious name of The Home Depot, a retail outlet in Village Square Mall, Township of Bethel Park, Allegheny County, Pennsylvania.

3. Defendant Home Depot at all times pertinent hereto, was acting by and through its duly authorized agents, servants, and/or employees, who were then and there acting in the course of their employment, scope and their authority.

4. The events hereinafter complained of occurred on December 27, 2022, at the Home Depot location in Bethel Park near the front exit doors.

5. At the aforementioned time and place, the Plaintiff was in the store as a customer, thereby providing him with status as a business invitee to whom the Defendant owed the highest duty of care.

6. As the Plaintiff was exiting the store on the date set forth above, he was caused to trip and fall to the ground as the result of a pallet holding goods being placed directly near the exit door, which pallet the Plaintiff did not notice until after he had tripped and fell.

7. As a result of this trip and fall, the Plaintiff sustained injury and fracture to his left patella knee, which required open reduction and internal fixation.

#### **COUNT I – NEGLIGENCE**

8. Plaintiff incorporates by reference herein Paragraphs 1 through 7 of his Complaint as though fully set forth at length.

9. All of the resultant losses, damages and injuries sustained by the Plaintiff were the direct and proximate result of negligence of the Defendant in the following particulars:

- (a) In allowing a pallet to exist near an exit way when the Defendant knew or failed to exercise reasonable care should have known that shoppers such as the Plaintiff would not detect the pallet or recognize the risk for potential injury and harm as a result of encountering the pallet;
- (b) In failing to properly inspect the area near the exit doorway so as to discover the pallet before the subject accident could occur;
- (c) In failing to have in place proper protocols and procedures for inspections of the door area near the exit way so as to prevent trips and falls such as the Plaintiff experienced; and

(d) In failing to have its premises in a proper and safe condition so that business invitees such as the Plaintiff would not sustain injuries when this Defendant knew to exercise reasonable care should have known that patrons such as the Plaintiff might or would not detect the danger of the pallet near the exit way.

10. As a result of the foregoing, Plaintiff sustained a fracture of his left patella requiring open reduction and internal fixation, all of this injury being permanent in nature.

11. As a result of the foregoing, the Plaintiff incurred medical expenses both past and future.

12. As a result of the foregoing, the Plaintiff sustained permanent scarring.

13. As a result of the foregoing, the Plaintiff sustained a loss of earnings and/or impairment of earning capacity, both past and present.

14. As a result of the foregoing, the Plaintiff sustained a loss of life's pleasures.

15. As a result of the foregoing, the Plaintiff sustained pain, suffering and inconvenience.

WHEREFORE, Plaintiff requests judgment in his favor and against the Defendant for a sum in excess of the jurisdictional limits of a Board of Arbitrators of this court.

Respectfully submitted,

QUINN LOGUE LLC

By:

  
John E. Quinn, Esquire  
*Counsel for Plaintiff*

Date: May 27, 2023

IN THE COURT OF COMMON PLEAS  
OF ALLEGHENY COUNTY, PENNSYLVANIA

PATRICK McGONIGLE,	)	CIVIL DIVISION
	)	
Plaintiff,	)	No. GD
	)	
v.	)	
	)	
HOME DEPOT USA, INC. t/d/b/a	)	
HOME DEPOT,	)	
	)	
Defendant.	)	

**VERIFICATION**

I verify that the statements made herein are true and correct to the best of my knowledge, information and belief, and are made subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.

5/30/23  
Date

  
Patrick McGonigle

IN THE COURT OF COMMON PLEAS  
OF ALLEGHENY COUNTY, PENNSYLVANIA

PATRICK McGONIGLE,	)	CIVIL DIVISION
	)	
Plaintiff,	)	No. GD
	)	
v.	)	
	)	
HOME DEPOT USA, INC. t/d/b/a	)	
HOME DEPOT,	)	
	)	
Defendant.	)	
	)	

**CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by:

  
\_\_\_\_\_  
John E. Quinn, Esquire  
Pa. ID No. 23268